

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Civil Application No. 5027 of 2007 and
5028 of 2007

(Suraj Bhaiyyalal Meshram vsm The Collector & anr.)

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Office Notes, Memoranda of Coram,
appearances, Court's orders or directions : Court's or Judge's orders
and Registrar's orders.

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CORAM : D.D.Sinha and
S.R.Dongaonkar, JJ.
DATE : December 14, 2007.

Heard Ms. Tajwar Khan, Adv. for the Applicant and
Mr.Sonak, Assistant Government Pleader for the Respondents.

Civil Application No. 5028 of 2007 is moved by the
applicant for speaking to minutes in respect of the order dt.
7.9.2006 passed by this Court whereby the Writ Petition No.
4269 of 2006 came to be disposed of. The said order reads
thus :

“ Heard learned counsel for the
petitioner.

Learned counsel for the petitioner
states that the petitioner is a project affected
person and is entitled for job from the category
of project affected persons. The Collector,
Nagpur has also issued certificate dated
16.4.1999 in this regard, however, till this date
the claim of the petitioner has not been

considered and therefore, petitioner prays that appropriate directions may be given to the respondents.

Mrs. Wandile, learned A.G.P. states that if the petitioner is otherwise eligible under the scheme of giving appointment to the project affected persons, his entitlement shall be considered accordingly in the light of law and procedure applicable in this regard and proper steps would be taken accordingly. In view of above referred statement made by the learned A.G.P. writ petition is disposed of. “

Counsel for the applicant has submitted that, in spite of the statement made by Mrs.Wandile, the then Assistant Government Pleader, that the claim of the petitioner, if the petitioner is otherwise eligible under the Scheme giving appointment to the project affected person, shall be considered in the light of law and procedure applicable in this regard and proper steps also would be taken accordingly. However, till this date, nothing has been done. On the contrary, the petitioner was informed by the Zilla Parishad, Bhandara that the claim of the petitioner for grant of appointment from the category of project affected persons in Bhandara District cannot be considered since they were not party to the petition. Counsel for the petitioner/applicant, therefore, prays that appropriate clarification in this regard may be issued to the Authorities concerned.

The Assistant Government Pleader states that the respondent no.1 has filed affidavit-in-reply dt.26.10.2007 and para nos. 3 and 5 of the said affidavit read thus :

“ Para 3 :

It is further submitted that as per the No Objection Certificate of the Resettlement Officer, Nagpur and as per the application of the petitioner the office of this respondent has included the name of the petitioner in Project Affected Persons seniority list of Bhandara District as per the Government Circular of General Administration Department dated 23.10.2002.

Para 5 :

It is respectfully submitted that as per the above referred Government Circular dated 23.10.2002 the Project Affected Persons in any District can apply in any State Level Office for getting appointment and the appointing authorities at the Regional Level have to consider such Project Affected Persons accordingly, in the Districts under that region. “

The Assistant Government Pleader states that, in the light of these observations, the claim of the petitioner can be considered in any District including Bhandara District. We have considered the contentions canvassed by the respective

counsel. In view of the statement made by the respondent no. 1 in para nos. 3 and 5 of the affidavit, which are re-produced hereinabove, the grievance of the petitioner, in our view, does not survive and no further clarification also is necessary since it is admitted by the respondent no.1 that the petitioner is entitled to be considered for appointment from the category of project affected person in any District including that of Bhandara district. In that view of the matter, the present Civil Application No. 5028 of 2007 is disposed of.

In view of the order passed on Civil Application No. 5028 of 2007, the other Civil Application No. 5027 of 2007 for amendment does not survive. Hence, the same is also disposed of accordingly.

JUDGE

JUDGE

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